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EXAMINER

SPOONER, LAMONT M

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 09/845,785 | Applicant(s) PARNELL ET AL. | |
| | Examiner LAMONT M. SPOONER | Art Unit 2626 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,9,16-19,22,26,33,34,38-43 and 45-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,9,16-19,22,26,33,34,38-43 and 45-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Introduction

1. This office action is in response to applicant's amendments filed 4/23/09. Claims 1, 2, 5, 9, 16-19, 22, 26, 33, 34, 38-43, and 45-62 are currently pending and have been examined.

Response to Arguments

2. Applicant's arguments filed 4/23/09 have been fully considered but they are not persuasive. More specifically, applicant argues, "These passages do not, however, teach the internationalizing of one development stage of an application concurrently with a development of another development stage of the application. Moreover, these passages fail to teach the localization of one development stage of the application concurrently with the internationalizing of another development stage of the application. Moreover, these passages of the cited references fail to teach the limitations quoted above from Applicant's amended claim 1."

However, the Examiner cannot concur. As Lee teaches internationalization and localization (C.3 lines 56-64-his National Language Support, NLS, and localized files, C.3.lines 56-57-his particular translation build, C.10.lines 10-16, the L10N process for French version, C.10.line 58-

C.11.line 39-his English to Japanese), and Malcolm teaches various stages of development of an application (C.10 lines 16-35-his various stages interpreted as the first, second and third stage, and his stages/activities done in parallel). It is the combination of these elements that would allow one ordinarily skilled in the art, to have various stages in the development cycle, wherein as applied to Lee, the development, for NLS would comprise internationalization and localization, thus, these being broken into stages of development, and then at any point, the development of this product, could be done simultaneously, concurrently, and in parallel. Thus applicant's arguments regarding claim 1, and similar claims 18 and 34, and dependent claims 54-60 remain unpersuasive.

3. Applicant's arguments with respect to newly added claims 61 and 62 have been considered but are moot in view of the new ground(s) of rejection.

4. Applicant's arguments, see remarks, filed 4/23/09, with respect to the 35 USC 101 rejections have been fully considered and are persuasive. The 35 USC 101 rejection of claims 1, 2, 5, 9, 17, 26, 38-43 and 45-47 have been withdrawn.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 5, 9, 16-19, 22, 26, 33, 34, 38-43, 45-54, 56, 58 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (hereinafter referred to as Lee, US 6,442,516) in view of Rojas et al. (hereinafter referred to as Rojas, US 6,425,123), and further in view of Malcolm et al. (US 5,416,903).

Lee, Rojas, and Malcolm are analogous art in that they both involve the development process of software.

As per **claims 1, 18 and 34**, Lee discloses a method (C.3 lines 26-45-CPU/memory, article of manufacture and server ibid-Fig. 1, C.11 lines 18-20-his server) comprising:

developing a base version of a computer-implemented application in a base language (C.2.lines 57-67-his baselevel version, C.6.lines 27-34-his English version, C.3 lines 26-45-CPU/memory, article of manufacture and server ibid-Fig. 1, C.11 lines 18-20-his server), wherein

the base version of the application comprises language dependant code and language independent code (C.4.lines 8-17-language dependent code tracked from language independent code not requiring translation in a base language, having a library control feature translatable components only in these fields, i.e. his available field of database... translation, and library control database that tracks all changes to the language source file that would require a translation);

facilitating, using a processor (Fig. 1. item 12-his processor) a L10N of the base version of the application wherein the L10N comprises generating a base glossary; (C.3.lines 56-57, C.10.lines 10-16, the L10N process, C.10.line 58-C.11.line 39, C.10.lines 58-60-his seeds as the base glossary, C.3.line 67-C.4.line 1, 14-16, C.11.lines 5-9, 13-15-translated files include a base glossary); and

storing a localized version in memory (C.11 lines 8-11-his stored baselevel localized files).

but lacks disclosing facilitating an I18N of the base version of the application, wherein the I18N of the base version of the application comprises pseudo localization (L10N) of the language dependent code of the base version of the application;

However, Rojas teaches having an I18N process including a pseudo L10N of the language dependent code of the base version of the application (C.2.line 48-C.3.line 5-his mock translation). Therefore, at the time of the invention, it would have been obvious to one ordinarily skilled in the art to modify Lee with Rojas by implementing a mock L10N. The motivation for doing so would have been to test language translatability in computer software (Rojas, C.2.lines 45-47).

Lee and Rojas lack the developing the base version of the application comprises developing a plurality of stages of the base version of the application; and

the plurality of stages of the base version of the application comprises a first stage, a second stage, and a third stage; and

the internationalization of the base version of the application comprises an internationalization of the second stage, and

the internationalization of the second stage is performed concurrently with the developing of the third stage;

and the localization of the base version of the application comprises a localization of the first stage, and

the localization of the first stage is performed concurrently with the internationalization of the second stage; and

storing a localized version **of the first stage** in memory.

However, Malcolm teaches developing the base version of the application comprises developing a plurality of stages of the base version of the application, and the plurality of stages of the base version of the application comprises a first stage, a second stage, and a third stage (C.10 lines 16-35-his various stages interpreted as the first, second and third stage, and his stages/activities done in parallel).

Therefore it would have been obvious at the time of the invention to modify Lee's localization, storing of the localized version, and internationalization and Rojas' pseudo-localization with the concurrent (parallel) localization and internationalization in stages of Malcolm (wherein the Examiner notes, that all of the necessary components, stages, and concurrent/parallel base version development, and internationalization and localization are present, thus as these stages may be done in parallel, the known components allow one ordinarily skilled in the art to internationalize a first stage, or second stage, concurrently with the developing of another

stage) for the benefit of reducing overall time requirements for development of a final product (Malcolm, C.10 lines 25-27).

As per **claims 2, and 19**, Lee, Rojas, and Malcolm make obvious the limitations of claim 1, upon which claim 2 depends. Rojas further discloses developing the base version of the application comprises:

identifying all language dependent user interface code in the base version of the application (C.4.lines 34-45-as his language dependent code); and

creating a source code structure for the application wherein the language-dependent user interface code is maintained separately from non user interface code (C.4.lines 35-37-separate executable program).

As per **claims 5 and 22**, Lee, Rojas, and Malcolm disclose all the limitations of claim 1, upon which claim 5 depends. Lee further discloses:

the base language is English (C.6.lines 30-34).

As per **claims 9 and 26**, Lee, Rojas, and Malcolm make obvious the limitations of claim 1, upon which claim 9 depends.

Rojas also teaches pseudo L10N includes adding a prefix to each translatable string in the application (C.4.lines 58-67-his inserted characters).

As per **claims 16 and 33**, Lee, Rojas, and Malcolm make obvious the limitations of claim 1, upon which claim 16 depends. Lee further discloses the at least one language different from the base language is selected from the group consisting of: German, Spanish, French, Japanese, Danish, Dutch, Italian, Portuguese, Swedish, Chinese, Korean, Czech, Finnish, Greek, and Hebrew (C.10.lines 10-15-French, C.11.lines 45-47).

As per **claim 17**, Lee, Rojas, and Malcolm make obvious dependent claim 1, Rojas further teaches wherein the application (C.2.lines 40-44-as his application) comprises a front end (C.4.lines 45, 46-required as a front end development), a middle (C.4.lines 33-45-his process of development), and a data model (C.4.lines 46-52-data model), wherein the front end comprises user interface code developed in a base language (C.4.lines 34-45, 53, 54-base language interface code required to initiate the process), and the middle comprises non user interface code developed in a programming language (C.4.lines 35-37-separate executable program follows the initiated front end);

As per **claim 38**, Lee, Rojas, and Malcolm make obvious dependent claim 1, and Lee further teaches a first portion of the language dependent

code is stored in a master repository (C.2.lines 62-66-his all files logged in the library control database as the first portion) and a second portion of the language dependent code is stored in resource files (C.4.lines 8-15-his baselevel fields as the second portion ...resource files).

As per **claim 39**, Lee, Rojas, and Malcolm make obvious claim 1, Lee further teaches the internationalization of the base version of the application further comprises identifying defects in a previous version of the application (C.4.lines 18-23-his “translated file downlevel” interpreted as defects, wherein they necessarily are modified, or fixed, C.4.lines 44-67, also his files that require changes, C.5.lines 39-44-the identified errors from the CMVC).

As per **claims 40 and 41**, Lee, Rojas, and Malcolm make obvious claim 9, Rojas also teaches wherein the pseudo localization further comprises altering locale-specific settings (C.2.lines 48-67-his formatting and hard-coded text for the localization files, C.5.lines 31-37-his mock translation) in an operating environment (C.6.lines 36-48-his hard-coded text, Fig. 5 item 510).

wherein the locale-specific settings comprise at least one of a date, a time, a number, a currency format and a hard-coded reference to a

translation (C.2.lines 48-67-his formatting, and C.6.lines 36-48-his hard-coded text, Fig. 5 item 510).

As per **claim 42**, Lee, Rojas, and Malcolm make obvious claim 9, and Lee further teaches wherein the pseudo localization further comprises identifying hard-coded strings in the application by simulating localization of the application (C.6.lines 37-48, Figs. 4 and 5).

As per **claim 43**, Lee, Rojas, and Malcolm make obvious claim 1, Lee further teaches generating the base glossary comprises creating a list of base language strings (C.10.lines 59, and 60-his sets of files from language objects, the language objects as the base language strings in the CMVC).

As per **claims 45, 48 and 51**, Lee, Rojas, and Malcolm make obvious claim 1. Lee further teaches, wherein the localization of the base version of the application comprises a localization concurrently with an internationalization (C.3 lines 59-61-his concurrent build), but lacks the localization of the **second stage** and with an internationalization of the **third** stage (stages). However, Malcolm teaches stages (see claim 1, concurrent/parallel discussion regarding stages). Therefore it would have been obvious at the time of the invention to modify Lee's internationalization and Rojas' pseudo-localization with the concurrent

(parallel) localization and internationalization in stages of Malcolm, for the benefit of reducing overall time requirements for development (Malcolm, C.10.lines 25-27).

As per **claims 46, 49 and 52**, Lee, Rojas, and Malcolm make obvious the method of claim 1. Lee further teaches wherein the internationalization of the base version of the application comprises adapting the base version of the application to be capable of being localized in a variety of locales (see claim 1, locale discussion, further-inherent to the build locale and second locale).

As per **claims 47, 50 and 53**, Lee, Rojas, and Malcolm make obvious the method of claim 1. Lee further teaches wherein the base glossary comprises a glossary for the language dependent code, translated into at least one language different from the base language (C.10.lines 58-60-his seeds as the base glossary, C.3.line 67-C.4.line 1, 14-16, C.11.lines 5-9, 13-15-translated files include a base glossary).

As per **claims 54, 56 and 58**, Lee, Rojas and Malcolm make obvious the method of claim 1. Malcolm further teaches wherein the language dependant code of the base version of the application is stored separately from the language independent code of the base version of the application

(C.6 lines 2-15-his segregated language independent and dependent text information).

As per **claim 60**, Lee, Rojas and Malcolm make obvious the method of claim 1. Lee further teaches a localized version for testing using an input/output device (see claim 1, Fig. 1 item 14-his I/O device, Fig. 2 items 201-215-his translating and checking, as testing), but lacks explicitly teaching providing the version of the first stage for testing.

However, Malcolm teaches providing the version of the first stage for testing (C.10 lines 16-35-his various stages interpreted as the first, second and third stage, and testing).

Therefore it would have been obvious at the time of the invention to modify Lee's localization, and Rojas' pseudo-localization with the concurrent (parallel) localization and internationalization in testing of stages of Malcolm (wherein the Examiner notes, that all of the necessary components, stages, and concurrent/parallel base version development, and internationalization and localization are present, thus as these stages may be done in parallel, the known components allow one ordinarily skilled in the art to internationalize a first stage, or second stage, concurrently with the developing of another stage) for the benefit of reducing overall time

requirements for development of a final product (Malcolm, C.10.1lines 25-27).

7. Claims 1, 2, 5, 9, 16-19, 22, 26, 33, 34, 38-43, and 45-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (hereinafter referred to as Lee, US 6,442,516) in view of Rojas et al. (hereinafter referred to as Rojas, US 6,425,123), in view Malcolm et al. (US 5,416,903) and further in view of Watanabe et al. (Watanabe, US 6,185,729).

As per **claims 55, 57, and 59**, Lee, Rojas and Malcolm make obvious the method of claim 1, but lack teaching modifying the base version of the application, wherein the modifying is performed in response to at least one of: the internationalization of the base version of the application or the localization of the base version of the application.

However, Watanabe teaches this lacking element, modifying the base version of the application in response to at least one of the internationalization or the localization of the base version of the application. (Fig. 4-items 400-430 and loops, Fig. 6 items 600-630-and loops, C.4 lines 1-21, 40-62-his iterations of development testing, localization, internationalization, and then passed back to the developer for change to the core program, thus having stages, until completion of the core program,

by iterations, the second stage of the plurality of stages as the modification to the core program).

Therefore it would have been obvious at the time of the invention to modify Lee's internationalization and Rojas' pseudo-localization, and Malcom's stages with the modification of the base version in response to internationalization/localization for the benefit of providing feedback to the developers of the base version in order to correct errors in a parallel process and reducing time requirements for development of a final product (Malcolm, C.10 lines 16-30-his parallel processing).

8. Claims 1, 2, 5, 9, 16-19, 22, 26, 33, 34, 38-43, and 45-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malcolm et al. (US 5,416,903).

As per **claim 61**, Malcolm teaches a method comprising:

storing a first set of language dependent code in a memory (C.6 lines 5-15-his language dependent text in a file, C.10 lines 16-28-his stages as his first set of language dependent code),

wherein the memory comprises one or more data storage devices (C.4 lines 20-24-his storage means), the first set of language dependent code comprises code for a user interface of a first development stage of a

computer-implemented application (Fig. 3a-his user interface, and development of the interface) , and

the first set of language dependent code comprises first content in a base language (Fig. 3a-the interface in English),

storing first set of language independent code in the memory (C.6 lines 5-15-his language dependent text in a file, C.10 lines 16-28-his stages as his first set of language dependent code), wherein the first set of language independent code comprises code for the first development stage of the computer-implemented application (ibid),

modifying the first set of language dependent code (C.6 lines 25-40-his translation of the language dependent code), wherein

the modifying the first set of language dependent code comprises generating an internationalized version of the first set of language dependent code (C.6 lines 25-40-his language dependent files generated for any other language files),

the internationalized version of the first set of language dependent code comprises

the first content in the base language (C.10 lines 16-28-his first content as his first stage of various stages), and

indicators of the first content in the base language (ibid, inherent to discerning between his stages indicating his stages and content therein);

modifying the internationalized version of the first set of language dependent code (C.6 lines 38-60-his languages files, modified by his language versions, i.e. German and other supporting languages), wherein

the modifying the internationalized version of the first set of language dependent code comprises generating a plurality of target-language versions of the first set of language dependent code (C.6 lines 38-60- his languages files, modified by his language versions, i.e. German and other supporting languages),

each target-language version of the first set of language dependent code comprises translations into a corresponding target language of the first content in the base language (ibid, see Fig. 5), and

the modifying the internationalized version of the first set of language dependent code comprises generating a base glossary for each of the target languages (C.6 lines 30, 30-his files containing the translated prompts for each language);

Malcolm does not explicitly teach storing **a second** set of language dependent code in the memory, wherein

the **second set** of language dependent code comprises code for a user interface of a second development stage of the computer-implemented application,

the **second set** of language dependent code comprises second content in the base language, and

the **storing the second set of language dependent code is performed only after commencement of the modifying the first set of language dependent code;**

modifying the **second set** of language dependent code, wherein the modifying the second set of language dependent code comprises generating an internationalized version of the **second set** of language dependent code,

the internationalized version of the **second set** of language dependent code comprises

the **second content** in the base language, and

indicators of the **second content** in the base language;

storing a **third set** of language dependent code in the memory, wherein

the **third set** of language dependent code comprises code for a user interface of a third development stage of the computer-implemented application,

the **third set** of language dependent code comprises third content in the base language, and

the storing the **third set of language dependent code is performed only after commencement of the modifying the internationalized version of the first set of language dependent code.**

However, as Malcolm teaches his various stages (C.10 lines 18-28). The Examiner invokes KSR to note that all the elements for the first stage as indicated above, may be applied to each stage of the development. Furthermore, by definition of a first stage to second stage, it is obvious, that in subsequent processing, a first stage would commence before action on a subsequent stage (such as storing a second or third set of language dependent code only after the commencement of a previous development stage's internationalization). Therefore, at the time of the invention, it would have been obvious to one ordinarily skilled in the art to modify Malcolm's entire first stage of development including "modifying the first set of

language dependent code (C.6 lines 25-40-his translation of the language dependent code), wherein

the modifying the first set of language dependent code comprises generating an internationalized version of the first set of language dependent code (C.6 lines 25-40-his language dependent files generated for any other language files),

the internationalized version of the first set of language dependent code comprises

the first content in the base language (C.10 lines 16-28-his first content as his first stage of various stages), and

indicators of the first content in the base language (ibid, inherent to discerning between his stages indicating his stages and content therein);

modifying the internationalized version of the first set of language dependent code (C.6 lines 38-60-his languages files, modified by his language versions, i.e. German and other supporting languages), wherein

the modifying the internationalized version of the first set of language dependent code comprises generating a plurality of target-language versions of the first set of language dependent code (C.6 lines 38-60- his

languages files, modified by his language versions, i.e. German and other supporting languages),

each target-language version of the first set of language dependent code comprises translations into a corresponding target language of the first content in the base language (ibid, see Fig. 5), and

the modifying the internationalized version of the first set of language dependent code comprises generating a base glossary for each of the target languages (C.6 lines 30, 30-his files containing the translated prompts for each language)” with applying these steps of internationalization towards each individual stage, and thus providing the benefit of reducing overall time requirements for development of a final product by implement his various stages and parallel processing (Malcolm, C.10 lines 25-27).

As per **claim 62**, Malcolm makes obvious the method of claim 61, and further makes obvious wherein: the storing the third set of language dependent code is performed only after commencement of the modifying the second set of language dependent code, as Malcolm does not explicitly teach the above, However, Malcolm teaches the plurality of stages, and storing language dependent code (see claim 61). Thus, the Examiner

invokes KSR, wherein the all of the components are present (stages of development and storing the language independent code, see claim 61), and as Malcolm teaches stage development, as his language dependent code is able to be decomposed into stages, the storing of a particular set of code, after a previous stage, would have been obvious to one ordinarily skilled in the art at the time of the invention, thus providing the benefit of reducing overall time requirements for development of a final product by implement his various stages and parallel processing (Malcolm, C.10 lines 25-27).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory

period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAMONT M. SPOONER whose telephone number is (571)272-7613. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571/272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/David R Hudspeth/
Supervisory Patent Examiner, Art Unit 2626

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